

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No.59771

Madison C. Wilson

6 Casey Court

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on July 21, 2009, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 35-5-302 (b)(1), failure to replace rear rain downspout on residential property zoned DR 16 known as 6 Casey Court, 21228.

On June 1, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Charles Krick issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,000.00 (one thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on April 30, 2009 requesting that tall grass and weeds be cut by May 7, 2009; and repair/replace front rain gutter and replace rear rain downspout by May 30, 2009. This Citation was issued on June 1, 2009 for failure to replace the rear rain downspout.

B. Photographs in the file show that the rear rain downspout for this house, which is a row townhome with adjoining houses on both sides, has fallen off the house and is lying in the yard. This violates County Code Section 25-5-302 ("In order not to pose a threat to the health, safety, or welfare of the occupants or immediate neighbors of an owner-occupied housing unit, the property owner shall maintain ... gutters ... in good repair."). Respondent must repair the gutters so water properly flows through a downspout and away from the building foundation.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the violation is corrected by August 17, 2009. If the Respondent fails to correct the violation, then the civil penalty shall be imposed.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 28th day of July 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer